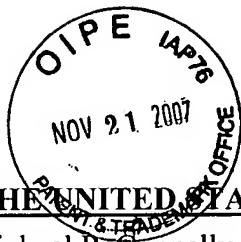


S/N 10/764,740



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael P. Connally
Serial No.: 10/764,740
Filed: January 26, 2004
Title: GAMING DEVICE HAVING CONTINUOUS RHYTHM REEL SOUND

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reason(s) stated below:

The claim limitation of maintaining continuous audio rhythm over multiple reel spins for a reel spin sound has not been shown to be present in the cited reference.

More specifically, Hecht does not teach maintaining the rhythm of a wheel spin audio track over multiple wheel spins, such as by playing the track continuously and selectively muting the track between wheel spins, but teaches only generally the playing of a wheel spin audio track during wheel spin.

The final Office Action argues on p. 11, section 10, that paragraph 80 of Hecht teaches such a feature in paragraph 80 of Hecht. The cited paragraph 80 recites "gaming device 10...continues to play the same sound file throughout the remainder of the random number generation display, as indicated by block 130". The Office Action further states that this is interpreted as meaning that the sound is played as long as reels are still displayed. The description in Hecht is provided with reference to element 130 of the flowchart of Figure 5, which illustrates how a random generation display, also called a wheel spin (see, e.g. paragraph 84, first sentence), begins each time after a player selects the spin button at 122, and does not continue between wheel spins.

The term "the random number generation display" is defined in the specification in several places in a manner that does not allow for the broad "interpretation" taken in the Office Action. As stated in the cited portion of paragraph 80, the flowchart of Figure 5 shows at

element 130 that the sound played throughout the remainder of the random number generation display is played only between determination of a win for a particular reel spin at 126 and credit roll-up at 132. If the player elects to spin the wheels again at 134, a random outcome for another reel spin is determined “WHILE BEGINNING RANDOM GENERATION DISPLAY” at 124. That is, each reel spin results in a new beginning of the random generation display according to Figure 5.

This is supported by paragraph 83, which states that:

If the player plays again as determined in connection with diamond 134, gaming device 10 randomly determines the player’s outcome while beginning the play of a sound file as indicated by block 124. (emphasis added)

This language clearly indicates that each time a player plays again or initiates another reel spin (as selected at 134 of Figure 5), playing of the reel spin sound file begins anew at block 124 in conjunction with the beginning of the random generation display recited in the text block at 124.

Also, in paragraph 84’s further discussion of Figure 5, the first sentence recites “...the sound file resets to the original condition or level after each random generation or spin of the reels”, further evidencing that each reel spin is an independent random generation.

Finally, applicant notes that the Advisory Action mailed 9/21/2007 indicated that proposed amendments would not be entered because they did not place the application in better form for appeal, but no amendments were proposed. The Advisory Action did not address the arguments presented in response to the final Office Action.

In summary, the cited reference fails to teach the claimed “audio module further operable to maintain audio track rhythm over multiple reel spins”, and so fails to anticipate any of the pending claims. Reexamination and allowance of the pending claims 1-22 is therefore respectfully requested. Applicant’s attorney can be reached at (612) 349-9581, and invites any discussion that may facilitate allowance of the pending application.

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CONCLUSION

The applicant respectfully submits that all of the pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is invited to telephone the below-signed attorney at (612) 349-9581 to discuss any questions which may remain with respect to the present application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date Nov 19 07 By 
John M Dahl
Reg. No. 44,639

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 19 day of November 2007.

Name

Peter Reboffani

Signature

